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AB 978 – COMMUNITY CARE SAFETY

PURPOSE

AB 978 responds to the May 2006 state audit of the Department of Social Service's monitoring and enforcement actions by (1) authorizing the immediate issuance of civil penalties for serious violations, and (2) establishing uniform standards and timelines for the Department to follow when addressing serious health and safety violations.

SUMMARY

AB 978 would direct the Department of Social Services to:

- Issue immediate \$150 civil penalties for serious health and safety violations, accessible bodies of water, fire clearance violations, absence of required supervision, accessible firearms and/or ammunition, refused entry, or the presence of an excluded individual.
- Establish a fund into which all collected civil penalties would be deposited. These funds would be earmarked to fund training and technical assistance for providers.
- Specify all serious health and safety violations.
- Write all plans of correction for problem facilities in a measurable, verifiable manner.
- Establish guidelines concerning acceptable evidence that validates corrections of deficiencies and include such evidence in the provider's file.
- Require revisits by a licensing analyst within 30 days when an individual has been excluded from a licensed facility to ensure that the individual is not in the facility during hours of operation.
- Require revisits by a licensing analyst within 30 days when a license is temporarily suspended to ensure that the licensed facility is non-operational.
- Require revisits by a licensing analyst within 90 days when a license is revoked to ensure that the facility remains non-operational.
- Require that all investigations are completed with a final conclusion noted in the provider's file regardless of whether or not the provider voluntarily surrenders his/her license.

BACKGROUND

In May 2006, the State Auditor's office released the results of its audit of California's child care oversight system in a report titled "Department of Social Services: In Rebuilding Its Child Care Program Oversight, the Department Needs to Improve Its Monitoring Efforts and Enforcement Actions."

The report notes that California's current 'once every five years' visitation requirement is "one of the least frequent in the nation," and exhorts policymakers to "consider whether the level of monitoring that the department is working toward is sufficient."

The report also uncovers significant shortfalls in the ability of the Department of Social Services to adequately and effectively enforce licensing statutes and regulations. Among other findings, it documents that the Department:

- Struggled to make required visits to facilities and carry out its other monitoring responsibilities.
- Did not always complete investigations within deadlines.
- Did not always determine whether child care facilities corrected the deficiencies it identified during facilities visits.
- Did not always adequately enforce legal actions against licensed child care facilities.
- Did not keep reliable data regarding inspection visits.
- Could increase its use of civil penalties as a response to health and safety violations

The Auditor's findings reveal that California is unable to adequately inspect and certify the safety of its licensed facilities, and as a result

California's most vulnerable citizens are at risk. AB 978 provides much-needed legislative direction to correct these shortcomings.

SUPPORT

Alzheimer's Association, California Council
California Chapters of the Brady Campaign to
Prevent Gun Violence
California Child Care Coordinators'
Association
Citizens Commission on Human Rights
Legal Community Against Violence
Protection & Advocacy, Inc.
San Francisco Child Care Planning and
Advisory Council